

REMARKS

Claim amendments

Claims 43-75 are now pending in the application (claim 13, which was examined, and all prior claims having been canceled by the present amendment and new claims 43-75 having been added). The new claims are supported by the specification. New claims 43-65 cover compositions and pharmaceutical preparations comprising a stress protein, or portion thereof, and a melanoma antigen peptide. These compositions are disclosed in the specification at, for example, page 23, line 28. Various stress proteins are disclosed throughout the specification, for example, at page 7, lines 11 and 16-25; at page 9, lines 14-16; at page 10, line 16 through page 12, line 19; at page 30, line 6; and at page 31, lines 15-16. Certain new claims require that the stress protein, or the portion thereof, and the substance to which it is bound (a melanoma antigen peptide) are either fused by a peptide bond or joined by chemical conjugation. These claims are supported in the specification at, for example, page 23, lines 1-15. Claims 66-73 cover nucleic acids, claim 74 covers an expression vector comprising the nucleic acid, and claim 75 covers a cell comprising the expression vector. These claims are supported by the specification at, for example, page 28, lines 5, 16 and 18-20. No new matter has been added.

35 U.S.C. §112 ¶¶ 1 and 2

The Examiner rejected claim 13 as being indefinite and for lack of enablement (Office action at pages 2-4). Claim 13 has been canceled, and Applicants respectfully submit that the stated grounds for rejection are not applicable to any of new claims 43-75.

35 U.S.C. §102

The Examiner rejected claim 13 as being anticipated by Cox *et al.* (*Eur. J. Immunol.*, 1988; herein, "Cox") or Engel *et al.* (*Biomed. Biochim. Acta*, 1991; herein, "Engel") (Office action at page 4). As claim 13 has been canceled, the prior rejection is now moot. With respect to new claims 43-75, Applicants note that these claims cover compositions and pharmaceutical preparations that include a stress protein, or a portion thereof, and a melanoma antigen peptide. Neither Cox nor Engel disclose compositions that include a melanoma antigen peptide, as

required by the present claims. Accordingly, neither Cox nor Engel can anticipate any of the newly added claims.

Double Patenting

The Examiner rejected claim 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of U.S. Patent No. 6,338,952 (Office action at page 5). As noted above, claim 13 has been canceled. If the newly added claims are also rejected on this ground, Applicants will, upon receiving an indication that the claims are otherwise in condition for allowance, file a terminal disclaimer in compliance with 37 CFR §1.321(c).

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,
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Dated: *October 6, 2013*